



TOM CILMI
Suffolk County Legislator
10th District

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Putting Government on a Short Leash

Legislator Tom Cilmi (R – East Islip) announced he has filed legislation to exempt paint and hardware stores from the County’s decades old item pricing laws. The bill would also strip the Commissioner of the County’s Consumer Affairs Department of the broad authority to unilaterally expand the scope of the law.

As a means of consumer protection, the original item pricing law, passed in the ‘80s, required grocery stores to individually price certain “stock keeping items” such as canned vegetables, cereal and cleaning products. Due to the practical difficulties and the costs associated with constantly changing prices, supermarkets negotiated with the County to create a waiver, allowing retailers to opt out of the requirement by providing consumers with scanners to check item pricing. Retailers must also agree to not charge customers more than an advertised price and to refund customers when an overcharge occurs. The catch is that in order to secure the waiver, retailers must pay a hefty fee dependent upon square footage which ranges from \$500 to \$15,000 annually.

This year the County is going after more than just supermarkets. Consumer Affairs inspectors have notified True Value Hardware, Costello’s Ace Hardware, Zephora, Petland Discounts, Dollar Tree and a number of similar retailers that they are covered by the law and therefore must either individually price items in their stores or pony up the waiver fee.....a price which is ultimately paid by consumers.

“This is government sanctioned extortion, plain and simple,” said Cilmi, “and the result is fewer jobs and higher prices for consumers. Retailers are already required by New York State law to comply with price accuracy standards.”

A former business owner and chamber of commerce president, Cilmi speaks to small businesses often about the consequences of unnecessary regulation. "Politicians often talk about creating an environment where small business can thrive," he said, "but actions speak louder than words."

Cilmi says the law never applied to paint and hardware stores until this year...suspect timing, Cilmi says, when the County is desperately trying to close a budget deficit in excess of \$150 million. He said, "I heard from Hank Brinkmann who owns a small chain of paint and hardware stores. He wanted to know what the item pricing law is and why the County is all of a sudden targeting his store. Turns out Costello's Ace Hardware, Home Depot and Lowes all received similar visits. For Brinkmann, the annual cost to waive the requirement would be \$6,000; for Costello's the yearly bill would be \$13,000. That kind of money just doesn't fall out of the sky."

Cilmi said more than ever government needs to be put on a short leash. "Giving a bureaucrat who judges his or her success based on the amount of revenue collected for the County is a recipe for tyranny," Cilmi said. "The power to expand regulatory authority and to levy fees belongs with an elected body like the Legislature who can weigh the pros and cons and is accountable to the people."

After reaching out to all of the different retailers impacted this year, Cilmi is exasperated. "These businesses feel helpless," he said. "They don't know who to turn to or what to do. With minimum wage increases, health care regulations and now this, making ends meet is not getting any easier. They all feel like you can't fight city hall."

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